

**NEW HAMPSHIRE BOARD OF NURSING  
MINUTES  
April 17, 2014**

Recorder: Kathryn Dickson, Executive Secretary

TOPIC	DISCUSSION	ACTION
1.0 Call to Meeting	Nursing students were present from UNH and Plymouth State University.	Meeting called to order at 8:00 a.m. with R. Duhaime (RD), Chair, presiding. Board members present: K. Baranowski (KB), C. Smith (CS), B. Fersch (BF), N. Fortin (NF), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), K. Kidder (KK); A. Finn-Waddell (AF) Board staff present: D. Nies (DN), A. Pavlidis (AP), L. Tetreault (LT), S. Goodness (SG), P. Doucette (PD)
1.1 Open Forum		
1.2 Addendum		
1.2.1 Additions		2.3 Emergency meeting minutes 4.7 Update Advisory 7.1.1 J. Conway, Request for Continuance 7.1.6 A. Vachon, Stipulation of Facts 7.1.8 J. Torres, 1:30 p.m. appearance 7.1.9 L. Dodge, 2:00 appearance 8.1.2 R. Joseph 10.3.1.1 Rivier University 11.3.3 Request for Board advice: Notifying patients on lab results
1.2.2 Deletions		4.5 K. Buckley, Director State Government Affairs, Johnson & Johnson (Rescheduled to May, 2014)
1.3 Appearances		7.1.1 J. Conway 8:30 p.m. 7.1.2 D. Lazzare 9:00 a.m. 7.1.3 M. Cain 9:30 a.m. 7.1.4 S. Heed 10:00 a.m. 7.1.5 L. Marcucci 10:30 a.m. 7.1.6 A. Vachon 11:00 a.m.

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		4.5 K. Buckley 11:30 a.m. 11.3.2 D. Burns, NH ARCH 1:00 p.m. 10.3.1 Rivier University 2:30 p.m. 10.1.2 C. Brody, LRCC 3:00 p.m. 10.1.3 M. J. Byer 3:15 p.m.
2.0 Approval of minutes 2.1 March 20, 2014 Regular Board meeting minutes  2.2 March 31, 2014 Emergency meeting C. Hart, LPN N. Emmett, RN E. Gutermuth, RN  2.3 April 14, 2014 Emergency meeting K. Sturtevant, RN J. Torres, LPN L. Dodge, MNA/LNA	Reviewed and discussed.  Reviewed and discussed.  Reviewed and discussed.	M/HF, S/JK to approve minutes as written. Unanimous.  M/HF, S/JK to approve minutes as written. Unanimous.  M/HF, S/JK to approve minutes as written. Unanimous.
4.0 Report of Executive Director/Staff 4.1 Expense Summary Budget  4.3 Proposed administrative rule changes Chapters 100, 400, 700, 800  4.4 Question re: drug testing	Reviewed and discussed.  Reviewed edits made to Conditional Approval Request versions of Nur 400 and Nur 800 approved at JCLAR.  Reviewed consent versions of Nur 100 and 700.  Reviewed edits on 8 forms located in Nur 400 for correction of address for Board office and for wording relating to RSA 641:3 as it relates to provision of information on licensing forms.  Reviewed and discussed request to be allowed to be drug tested at DHMC, facility where Respondent works. Board requested that drug testing shall be done at another site.	M/KB, S/HF to approve edits and final versions for adoption on website. Unanimous.  M/KB, S/HF to approve consent versions of Nur 100 and 700 for adoption on website. Unanimous.  Edited forms have been submitted to Office of Legislative Services for inclusion in Rule Making Register and placed on docket for review by JCLAR in May, 2014.  M/NF, S/KK to deny request to be allowed to be drug tested at DHMC. Drug testing shall be done at another site. Unanimous.

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4.5 Johnson & Johnson Appearance	Postponed until May meeting.	FYI.
4.6 NCSBN meeting with ANA	ANA convened Summit to address <i>Licensure Jurisdiction for Cross-Border Nursing Practice</i> , topic which originated with 2013 ANA Membership Assembly.	
4.7 Update Advisory regarding Delegation of Rescue Medications to Unlicensed Personnel	FYI.	
6.0 Report of Investigator/Prosecutor 6.1 Open files	Reviewed and discussed with LO.	FYI.
7.0 Adjudicative (Investigator/Prosecutor) 7.5 Recommendations (Proposed) 7.5.1 C. M., LNA	Removed from Consent Agenda for review.	M/NF, S/TC to accept recommendations as proposed. Unanimous.
8.2 Recommendations (Proposed) 8.2.1 – 8.2.15 Letters of Concern and Dismissals (BF, LPN recused Board members)	Previously reviewed. Removed 8.2.1 and 8.2.12 from Consent Agenda for Review.	BF recused. M/HF, S/NF to accept recommendations as proposed for 8.2.2 through 8.2.15. Unanimous. M/KB, S/NF to defer decision on 8.2.1 until receipt of further documentation. Unanimous.
9.0 Licensure 9.3 Licensure (Non-appearance) 9.3.1 M. B., LNA licensure	Previously reviewed.	M/HF, S/NF to allow LNA licensure in NH. Unanimous.
9.3.2 C. M., LNA licensure	Previously reviewed.	M/HF, S/NF to allow LNA licensure in NH. Unanimous.
9.3.3 K. H., RN examination	Previously reviewed.	M/HF, S/NF to allow RN licensure in NH. Unanimous.
9.3.4 R. P., LNA licensure	Previously reviewed.	M/HF, S/NF to allow LNA licensure in NH. Unanimous.

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9.3.5	A. F., LNA licensure	Previously reviewed.	M/HF, S/NF to allow LNA licensure in NH. Unanimous.
9.3.6	N. H., LNA licensure	Previously reviewed.	M/HF, S/NF to allow LNA licensure in NH. Unanimous.
9.3.7	C. S., LNA licensure	Previously reviewed.	M/HF, S/NF to allow LNA licensure in NH. Unanimous.
10.0	Education		
10.1	Consideration for Continuing Approval		
10.1.1	Manchester School of Technology LNA Program	Previously reviewed.	M/HF, S/NF to grant <i>Continued Approval</i> to program and coordinator. Unanimous.
7.0	Adjudicative (Investigator/Prosecutor)		
7.1	Hearings		
7.1.1	J. Conway, RN #068299-21	Reviewed and discussed Motion for Continuance.	M/NF, S/TC to approve Motion to Continue. Unanimous.
7.1.2	D. Lazarre, LNA #040251-24	Hearing held in absentia for D. Lazarre, LNA #040251-24, Docket #14-0402-0422-NA, pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 9:12 a.m. with R. Duhaime (RD), Chair presiding. Board members present: K. Baranowski (KB), C. Smith (CS), N. Fortin (NF), J. Kuras (JK), H. Featherston (HF), T. Collins (TC), K. Kidder (KK), B. Fersch (BF), A. Finn-Waddell (AF) Board staff present: S. Goodness (SG), P. Doucette (PD), Laurel O'Connor, Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Witnesses present to offer testimony: Jackie Lanni, RN, DNS, Bishop Peterson Residence Hearing concluded at 9:24 a.m.	M/CS, S/KB to affirm Hearing Counsel's Proposed Findings of Facts #1 - #11; affirm Hearing Counsel's Proposed Rulings of Law #1 - #3; affirm Hearing Counsels Proposed Sanctions #2 - #8; amend Hearing Counsel's Proposed Sanctions #1 to REVOKE LNA license and assess monetary penalty of \$1500 to deter future misconduct and to defray costs associated with investigation and prosecution of case to be paid within 90 days from effective date of Board's order. Unanimous. (See Docket #14-0402-0422-NA)
7.1.3	M. Cain, LPN #016194-22	Hearing held in absentia for M. Cain, LPN #016194-22, Docket #14-0402-0423 pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 9:43 a.m. with R.	JK recused. M/CS, S/KB to affirm Hearing Counsel's Proposed Findings of Facts #1 - #12; affirm Hearing Counsel's Proposed Rulings of Law #1 - #3; affirm

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<p>7.1.4 S. Heed, RN #059433-21</p>	<p>Duhaime (RD), Chair presiding. Board members present: K. Baranowski (KB), C. Smith (CS), N. Fortin (NF), H. Featherston (HF), T. Collins (TC), K. Kidder (KK), B. Fersch (BF), A. Finn-Waddell (AF) J. Kuras (JK) recused. Board staff present: S. Goodness (SG), P. Doucette (PD), Laurel O'Connor, Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Hearing concluded at 9:53 a.m.</p> <p>Hearing held for S. Heed, RN #059433-21, Docket #13-1024-0394 pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:10 a.m. with R. Duhaime (RD), Chair presiding. Board members present: C. Smith (CS), N. Fortin (NF), H. Featherston (HF), T. Collins (TC), K. Kidder (KK), J. Kuras (JK), B. Fersch (BF), A. Finn-Waddell (AF) K. Baranowski (KB) recused. Board staff present: S. Goodness (SG), P. Doucette (PD), Laurel O'Connor, Hearing Counsel for Board of Nursing Respondent present to offer testimony. Reading of Notice of Hearing waived. Witnesses present to offer testimony: Brenda Blair, Director of Human Resources, Alice Peck Day Hospital Kim Grover, Clinical Leader, Alice Peck Day Memorial Hospital Hearing concluded at 10:43 a.m.</p>	<p>Hearing Counsels Proposed Sanctions #2 - #8; amend Hearing Counsel's Proposed Sanctions #1 to REVOKE LPN license and assess monetary penalty of \$1500 to deter future misconduct and to defray costs associated with investigation and prosecution of case to be paid within 90 days from effective date of Board's order. Unanimous. (See Docket #14-0402-0423)</p> <p>KB recused. Board affirmed to keep hearing record open for period of 2 weeks pending receipt of further documentation.</p>
<p>7.1.5 L. Marcucci, RN #064626-21</p>	<p>Hearing held in absentia for L. Marcucci, RN #064626-21, Docket #14-0402-0424 pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 10:48 a.m. with R. Duhaime (RD), Chair presiding. Board members present: C. Smith (CS), N. Fortin (NF), H. Featherston (HF), T. Collins (TC), K. Kidder (KK), J. Kuras (JK), B. Fersch (BF), A. Finn-Waddell (AF), K. Baranowski (KB)</p>	<p>M/NF, S/HF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #6, amend #7; affirm #8 - #16; deny #17; affirm Hearing Counsel's Proposed Rulings of Law #1 - #4; affirm Hearing Counsels Proposed Sanctions #2 - #8; amend Hearing Counsel's Proposed Sanctions #1 to impose 2-year SUSPENSION of RN license and assess monetary penalty of \$2000 to deter future misconduct and to defray costs associated with investigation and</p>

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<p>7.1.6 A. Vachon, RN #058889-21</p>	<p>Board staff present: S. Goodness (SG), P. Doucette (PD), Laurel O'Connor, Hearing Counsel for Board of Nursing Respondent present to offer testimony. Reading of Notice of Hearing waived. Witnesses present to offer testimony: Kathy Bower, RN, Northeast Rehabilitation Hospital Hearing concluded at 10:58 a.m.</p> <p>Hearing held in absentia for A. Vachon, RN #058889-21, Docket #14-0402-0425 pursuant to the Nurse Practice Act RSA 326-B and the administrative rules, Chapter 100 - 800, proceeded at 11:05 a.m. with R. Duhaime (RD), Chair presiding. Board members present: C. Smith (CS), N. Fortin (NF), H. Featherston (HF), T. Collins (TC), K. Kidder (KK), B. Fersch (BF), A. Finn-Waddell (AF), K. Baranowski (KB) J. Kuras (JK) recused. Board staff present: S. Goodness (SG), P. Doucette (PD), Laurel O'Connor, Hearing Counsel for Board of Nursing Reading of Notice of Hearing waived. Witnesses present to offer testimony: Dawn Mrotek, Silver Touch, HHC Hearing concluded at 11:17 a.m.</p>	<p>prosecution of case to be paid within 90 days from effective date of Board's order. Unanimous. (See Docket #14-0402-0424)</p> <p>JK recused. M/NF, S/HF to affirm Hearing Counsel's Proposed Findings of Facts #1 - #10; affirm Hearing Counsel's Proposed Rulings of Law #1 - #2; affirm Hearing Counsels Proposed Sanctions #4 - #7; denies Hearing Counsel's Proposed Sanctions #2 and #3; amend Hearing Counsel's Proposed Sanctions #1 to issue Letter of Concern. Respondent shall successfully complete Medication Documentation Course and upon completion shall provide Board with documentation verifying such completion. Unanimous. (See Docket #14-0402-0425)</p>
<p>7.3 Motion for Reconsideration/Rehearing/ Continuance/Pre-hearing Conference/Motion to Compel 7.3.1 J. W., RN (Pre-hearing conference</p>	<p>Reviewed and discussed Pre-Hearing Conference Order.</p> <p>M/NF, S/CS to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows: Yea: RD, KB, CS, KK, BF, NF, JK, HF, TC, AF Non-public session began at 12:30 p.m. and concluded at 1:32 p.m.</p>	<p>M/TC, S/KK to dismiss. Unanimous.</p>



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8.1.2 R. Joseph Suspended RN license #039062-21	Reviewed and discussed request to reverse March 2014 decision to suspend RN license.	M/TC, S/HF to deny request to reverse decision to suspend RN license. Unanimous.
10.0 Education 10.3 Educational issues 10.3.1 Rivier University RN AD Program	Rivier University made presentation of corrective plan for 2013 substandard NCLEX pass rates and requested that Board modify date of Conditional Approval until July 2014. Those present were: Sr. Paula Buley, President Dr. Deborah Vess, VP of Academic Affairs Kathleen Patenaude, Director, Graduate Education Paula Williams, EdD, RN, CNE, Dean of Nursing	M/KK, S/NF to deny request and reaffirm vote made in March to place program on <i>Conditional Approval</i> for one year beginning March 20, 2014. Under Conditional Approval, there must be substantial improvement in NCLEX testing scores and evidence of implementation of corrective plan for Board to consider full approval of program. Unanimous.
10.1 Consideration for Approval Status 10.1.2 Lakes Region Community College	Reviewed and discussed with Carol Brody, Director of Nursing Program, site visit of March 31, 2014 to Lakes Region Community College. Thomas Goulette, Vice President of Academic and Community Affairs, also attended meeting.	M/NF, S/BF to place program on <i>Conditional Approval</i> for one year beginning April 17, 2014. Under Conditional Approval, there must be substantial improvement in NCLEX testing scores and evidence of substantive revision and integration of curriculum for BON to consider full approval of program. Unanimous.
10.1.3 NHTI, Concord's Community College	Reviewed and discussed with Mary Jean Byer, Director of Nursing Program, 5-year report for continuing approval of NHTI, Concord's Community College Practical Nursing Program.	M/NF, S/BF to grant <i>Continued Approval</i> of Practical Nursing Program at NHTI, Concord's Community College. Unanimous.
11.0 Practice Inquiries and Practice Committee Reports 11.1 Liaison Committee (KK)	KK reported on Liaison Committee meeting of April 3, 2014. Committee members recommended that BON appoint Mark Vojtko as CRNA member of Liaison Committee to replace Lisa Sullivan.  Discussed consensus model - important issues to NH include the matter of Clinical Specialists not having APRN status in NH and grandfathering. There was discussion about CNM practice and grandfathering language.	Board to review Mark Vojtko's resume and make decision at May meeting.



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<p>11.2 P &amp; E Committee (NF)</p> <p>11.3 Request for Board Advice re:</p> <p>11.3.1 Board reconsideration re: LNA's handling medications</p> <p>11.3.2 NH ARCH</p> <p>11.3.3 Notifying patients on lab results</p>	<p>Next meeting May 12, 2014.</p> <p>Reviewed and discussed emails received at Board office regarding LNA role of handling medication and receiving medications.</p> <p>Also reviewed job offerings from DHMC for LNA positions intended to manage storage, handling and disposal of medications.</p> <p>Deborah Burns, Jeanne Donohue, and Wendy Switzer from NHARCH, LNA-MC Committee attended meeting for clarification/reconsideration to March 2013 and June 2013 Board decision regarding LNA role of handling medication and receiving medications.</p> <p>Representatives discussed review of administrative rules regarding LNA-MC certification and provided support to assist Board with developing administrative rules to support role of LNA-MC.</p> <p>Reviewed and discussed whether or not it is within RN scope of practice to provide test/lab results.</p>	<p>Board consensus to send to P &amp; E for review and recommendations.</p> <p>DN to notify DHMC to inform them about LNA scope of practice.</p> <p>Board consensus that "handling of medications by LNA's will be brought to P &amp; E committee for review and recommendations.</p> <p>Board consensus that nurse can provide test results to patient as long as provider is aware and has approved action.</p>
<p>12.0 Committee Reports and Recommendations</p> <p>12.1 HeM 1201 (TC)</p> <p>12.2 Day of Discussion</p> <p>12.2.1 RN/LPN Day of Discussion (AP)</p> <p>12.2.2 LNA Day of Discussion (LT)</p> <p>12.3 ADA (NF, AF, TC)</p>	<p>No meeting.</p> <p>No plans at this time.</p> <p>LNA Day of Discussion to be held at the Walker Building on June 19, 2014.</p> <p>No applicants.</p>	
	<p>M/NF, S/KK to conduct non-public session for purpose of discussion of alleged licensee misconduct. Non-public session is authorized by RSA 91-A:3 II and Board's executive and deliberative privileges. Minutes of non-public session shall be sealed. Board voted as follows:</p>	

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		Yea: RD, KB, CS, KK, BF, NF, JK, HF, TC, AF Non-public session began at 3:39 p.m. and concluded at 3:44 p.m.	
16.0	Correspondence/Articles/FYIs		
16.1	Letter from Children’s Hospital at Dartmouth	FYI.	
16.2	Letter from Granite State Diabetes Educators, Inc.	FYI.	
17.0	Adjournment	<p>Next regular meeting: May 15, 2014 8:00 a.m. NH Board of Nursing Conference Room B119 121 South St Concord, NH 03301</p>	<p>Meeting adjourned at 4:09 p.m.</p> <p>Respectfully submitted,</p> <p>Denise Nies, MSN, RN, BC Executive Director</p>